

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL ACTION NO. 1:05CR43

TONY BRAHAM, a/k/a “Tick” a/k/a
“Philly,”

Defendant.

ORDER/OPINION

On the 18th day of May 2007, came the Defendant, Tony Braham, in person and by his counsel, John J. Pizzuti, and also came the United States by its Assistant United States Attorney, Shawn A. Morgan, for hearing on Defendant’s Motion for Bill of Particulars (Docket Entry 337); Motion to Dismiss Indictment for Lack of Speedy Trial (Docket Entry 338); Motion to Suppress (Docket Entry 339); Motion to Strike Aliases (Docket Entry 340); Motion for Government’s Intention to Use Residual Hearsay Exception Under FRE 807 (Docket Entry 341); Motion for Exculpatory Evidence (Docket Entry 342); Motion for Disclosure of an In Camera Hearing on Co-Conspirators’ Statements (Docket Entry 343); and Motion for Disclosure of Presentence Reports and Related Documents of Government Witnesses (Docket Entry 344). The matter was then heard on the motions, the government’s responses to said motions, and the arguments of counsel.

Upon consideration of all which, and for reasons stated on the record of the hearing, the Court orders:

Defendant’s Motion for Bill of Particulars (Docket Entry 337) is DENIED AS MOOT, without prejudice;

Defendant’s Motion to Strike Aliases (Docket Entry 340) is DENIED AS MOOT, without prejudice;

Defendant's Motion for Government's Intention to Use Residual Hearsay Exception Under FRE 807 (Docket ENTRY 341) is DENIED AS MOOT without prejudice;

Defendant's Motion for Exculpatory Evidence (Docket Entry 342) is DENIED AS MOOT without prejudice;

Defendant's Motion for Disclosure of an In Camera Hearing on Co-Conspirators' Statements (Docket Entry 343) is DENIED; and

Defendant's Motion for Disclosure of Presentence Reports and Related Documents of Government Witnesses is GRANTED (Docket Entry 344). The United States is directed to turn over the PSR's to the Court for inspection within the next two weeks. The Court will review the documents in camera and determine what, if anything, should be disclosed to Defendant.

The Court took Defendant's Motion to Dismiss Indictment for Lack of Speedy Trial (Docket Entry 338) and Motion to Suppress (Docket Entry 339) under advisement.

IT IS SO ORDERED.

The Clerk of the Northern District for the United States District Court shall provide a copy of this order to all counsel of record.

DATED: May 21, 2007.

/s/ *John S. Kaull*
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE